

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION**

FRANCISCAN ALLIANCE, INC., et al.

*Plaintiffs,*

v.

SYLVIA BURWELL, et al.

*Defendants.*

Civ. Action No. 7:16-cv-00108-O

**NOTICE OF APPEAL**

PLEASE TAKE NOTICE that Proposed Intervenor River City Gender Alliance and the ACLU of Texas hereby appeal to the United States Court of Appeals for the Fifth Circuit from this Court's January 24, 2017 Order, ECF No. 69, denying Proposed Intervenor's motion to intervene as of right.

Respectfully submitted this 2nd day of February, 2017.

Rebecca L. Robertson  
Kali Cohn  
AMERICAN CIVIL LIBERTIES  
UNION OF TEXAS  
P.O. Box 8306  
Houston, TX 77288  
(713) 942-8146

/s/ Brian Hauss  
Brian Hauss  
Joshua Block  
Brigitte Amiri  
James D. Esseks  
Louise Melling  
AMERICAN CIVIL LIBERTIES  
UNION FOUNDATION  
125 Broad Street, 18th Floor  
New York, NY 10004  
(212) 549-2500

Daniel Mach  
AMERICAN CIVIL LIBERTIES  
UNION FOUNDATION  
915 15th Street, N.W.  
Washington, D.C. 20005  
(202) 548-6604

Amy Miller\*  
AMERICAN CIVIL LIBERTIES  
UNION OF NEBRASKA  
134 S. 13th St., #1010  
Lincoln, NE 68508  
(402) 476-8091

\*Application for admission pending.

**CERTIFICATE OF SERVICE**

On February 2, 2017, I electronically submitted the foregoing **PROTECTIVE NOTICE OF APPEAL** to the clerk of the court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the Court. I hereby certify that I have served counsel of record for all parties through the Court's ECF system.

/s/Brian Hauss

Brian Hauss